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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,178

03/17/2004

Clint Miller

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EXAMINER

CHAU, DUNG K

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,178	<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> DUNG K. CHAU	<b>Art Unit</b> 2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to applicant's communication filed 11/26/2007 in response to PTO Office Action mailed 09/05/ 2007. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

2. In response to the last Office Action, claims 1, 4-6, 14, 17, and 21-23 are amended. As a result, claims 1-25 are pending in this application.

3. The objections of claims 22-24 under 37 CFR 1.126 for misnumbered claims have been withdrawn due to the amendment filed 12/07/2007.

### ***Response to Arguments***

4. Applicant's arguments filed 11/26/2007 have been fully considered but are deemed to be moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pak Pub. No. US 2007/0192415.

As per claim 1, Pak teaches a computer program product comprising a computer program stored on a computer readable storage medium, wherein said computer program comprises instructions executable by a processor to:

maintain a first component having associated properties for representing in a data model a first entity in a system being modeled, wherein the first component is arbitrarily defined based on the data model format and the system (page 7, paragraph [0090]; page 23, paragraphs [0426-0429]; page 30, paragraph [0571]);

maintain a second component having associated properties for representing a second entity in the system (page 7, paragraph [0090]; page 23, paragraphs [0426-0429]; page 30, paragraph [0571]) ;

maintain relationship discovery rules for analyzing relationships between components in the data model (pages 1-2, paragraphs [0012-0015]);

associate a relationship discovery rule with the first component (page 10, paragraph [0143]);

apply the relationship discovery rule to the second component (page 10, paragraph [0143]); and

establish, delete, or update a relationship between the first component and the second component according to the relationship discovery rule, wherein the relationship represents an association between the first entity and the second entity in the system (page 7, paragraphs [0094-0103]; page 10, paragraph [0137]; page 23, paragraph [0426-0429]; page 15, paragraph [0297-299]).

As per claim 2, Pak further teaches the computer program product of Claim 1, wherein the relationship represents a dependency between the first entity and the second entity (Fig. 4; page 23, paragraph [0426]).

As per claim 3, Pak further teaches the computer program product of Claim 1, wherein the relationship discovery rule further comprises a set of criteria (page 15, paragraph [0297]).

As per claim 4, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that at least one property of the second component must have a particular value (page 23, paragraph [0428-0429]).

As per claim 5, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that the second component must be of a particular component type for the second component to be in the relationship with the first component (page 7, paragraph [0090]; page 9, paragraph [0122]; page 30, paragraph [0571]).

As per claim 6, Pak further teaches the computer program product of Claim 3, wherein a criterion from the set of criteria specifies that the second component must be in an already established relationship for the second component to be in the relationship with the first component (page 10, paragraphs [0140-0141]).

As per claim 7, Pak further teaches the computer program product of Claim 1, wherein the first component and the second component are maintained according to a generic data model (page 10, paragraphs [0140-0141]).

As per claim 8, Pak further teaches the computer program product of Claim 7, wherein the relationship discovery rule further comprises an executable script (page 28, paragraph [0557]).

As per claim 9, Pak further teaches the computer program product of Claim 8, wherein the computer program comprises instructions executable to associate the Script with a first component type of which the first component is a member (page 10, paragraph [0140-0141]; page 28, paragraph [557]).

As per claim 10, Pak further the computer program product of Claim 9, wherein the computer program comprises instructions executable to determine whether the second component should be in a relationship with the first component based on one or more criteria specified in the script (page 8, paragraphs [104-0110, 119]; page 14, paragraph [0290]; page 28, paragraph [0557]) .

As per claim 11, Pak further teaches the computer program product of Claim 9, wherein the computer program further comprises instructions executable to store the relationship in a first database table (page 7, paragraphs [0088-0089]).

As per claim 12, Pak further teaches the computer program product of Claim 11, wherein the first component and second component are stored in a second database table separate from the first database table (page 23, paragraphs [0426-0428]).

As per claim 13, Pak further teaches the computer program product of Claim 7, wherein the first component and the second component represent entities in an information technology ("IT") environment (Fig. 4; page 23, paragraph [0426]).

As per claims 14-25, they have similar limitation as claims 1-9 and 11-13; therefore they are rejected under the same rationale.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Document:

US 20040111513 A1	Shen, Simon S.
US 20040073655 A1	Kan, Chao et al.
US 20040225791 A1	Keskar, Dhananjay V. et al.
US 5572732 A	Fant; Karl M. et al.
US 6611838 B1	Ignat; Liviu et al.
US 6662188 B1	Rasmussen; Glenn D. et al.

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).



9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung K. Chau whose telephone number is 571-270-1754. The examiner can normally be reached on Mon - Friday 7:30am - 5:00pm Est, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. W./

Primary Examiner, Art Unit 2164

/Dung K Chau/

Examiner, Art Unit 2161

February 26, 2008

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161